

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending. Claims 1-11 have been amended; and Claims 12-14 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.<sup>1</sup>

In the outstanding Office Action, Claims 1 and 5 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 and 7 of copending Application No. 10/557,193; the drawings were objected to as including reference character not mentioned in the description; the Abstract was objected to as containing various informalities; the specification was objected to as containing various informalities; Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter; Claims 5-10 were rejected under 35 U.S.C. § 101 as claiming nonstatutory subject matter; Claims 1, 5, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,164,882 to Poltorak (hereinafter “Poltorak”) in view of U.S. Patent No. 6,505,160 to Levy et al. (hereinafter “Levy”); Claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Poltorak in view of Levy and further in view of U.S. Patent No. 6,204,419 to Fiedler (hereinafter “Fiedler”); Claims 3 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Poltorak, Levy, Fiedler, and further in view of non-patent literature “Distributed Servers Architecture for Networked Video Services” to Chan (hereinafter “Chan”); Claims 4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Poltorak, Levy, and further in view of U.S. Patent No. 6,912,431 to Kim et al. (hereinafter “Kim”); and Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable

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<sup>1</sup> See, e.g., page 14 of Applicants’ specification.

over Poltorak, Levy, and further in view of U.S. Patent No. 7,191,467 to Dujari et al. (hereinafter “Dujari”).

Regarding the rejections of Claims 1 and 5 as being unpatentable over Claims 1 and 7 of copending Application No. 10/557,193, Claims 1 and 5 have been amended to distinguish from Claims 1 and 7 of copending Application No. 10/557,193. Accordingly, the rejections of Claims 1 and 5 on the grounds of nonstatutory obviousness-type double patenting are believed to have been overcome.

Regarding the objections to the drawings as including a reference character not mentioned in the description, it is respectfully submitted that reference character 30 included in Fig. 1 appears at least on page 14, lines 1 and 2 of the Applicants' specification. Accordingly, it is respectfully submitted that the objections to the drawings should be withdrawn.

Regarding the objection to the Abstract in the specification, the Abstract has been amended to be within a 150 words and in proper form. Accordingly, the objection to the Abstract is believed to have been overcome.

Regarding the objection to the specification as containing various informalities, the specification has been amended in the manner suggested in the Office Action. Accordingly, the objection to the specification is believed to have been overcome.

Regarding the rejections of Claims 1-11 under 35 U.S.C. § 112, second paragraph, Claims 1-11 have been amended to distinctly claim the features recited in those claims. For example, besides amending the independent claims, in Claims 2 and 6, the phrase “at specific intervals in a ring shape” has been amended to recite “at specific intervals in a ring shaped buffer.” Accordingly, the rejections of Claims 1-11 under 35 U.S.C. § 112, second paragraph, are believed to have been overcome.

Regarding the rejection of Claims 5-11 under 35 U.S.C. § 101, Claim 5 has been amended to be sufficiently tied to the recording apparatus defined in Claim 1, and Claim 11 has been amended to be directed to a computer-readable storage medium. Accordingly, the rejection of Claims 5-11 under 35 U.S.C. § 101 are believed to have been overcome.

Amended Claim 1 is directed to a content receiving apparatus, comprising:

- a receiver configured to receive first contents from a broadcasting station;
- a temporary memory unit configured to temporarily store first contents-related information related to the first contents;
- a memory configured to store the first contents and to store, based on an input recording request, the first contents-related information; and
- the memory being configured to store a plurality of second contents and a plurality of second contents-related information received from a server, the second contents-related information being related to the first contents, and displayable.<sup>2</sup>

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), it is respectfully submitted that the Office Action seems to acknowledge that Poltorak does not disclose a method of relating contents-related information to first contents.<sup>3</sup> Rather, the Office Action relies on Levy for such a teaching.

However, it is respectfully submitted that Levy simply describes that an identifier attached to an audio signal (object) is used to connect the audio signal with metadata.<sup>4</sup> Further, Levy describes that the identifier travels with the object through the object's distribution. Then, a decoding device or a programmatic process extracts the identifier from the object and is then used to retrieve the metadata.<sup>5</sup> Moreover, Levy describes a user activated function, which upon activation, merely records the audio signal being received.<sup>6</sup>

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<sup>2</sup> Please note that independent Claims 5 and 11 have been amended in a similar fashion.

<sup>3</sup> See Office Action dated August 28, 2008, page 9.

<sup>4</sup> See Levy, column 2, lines 13-15.

<sup>5</sup> Id. at column 2, lines 38-48.

<sup>6</sup> Id. at column 14, lines 48-51.

There is no discussion, and therefore no disclosure in Levy of storing the metadata based on user activation.

Thus, no matter how the teachings of Poltorak and Levy are combined, the combination does not teach or suggest the storing of the first contents-related information based on an input recording request, as defined in Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claims 1, 5, and 11 (and all associated dependent claims) as being unpatentable over any proper combination of Poltorak and Levy.

Regarding the rejections of Claims 2 and 6 under 35 U.S.C. § 103(a), it is respectfully submitted that, as noted above, any proper combination of Poltorak and Levy does not provide all of the features of the Applicants' amended claims for which it has been asserted. Likewise, as Fiedler does not remedy the deficiencies discussed above, any proper combination of Poltorak and Levy in view of Fiedler does not describe all of the Applicants' claimed features. Accordingly, Applicants respectfully traverse the rejection of independent Claims 2 and 6 as being unpatentable over any proper combination of Poltorak and Levy in view of Fiedler.

Regarding the rejections of Claims 3 and 7 under 35 U.S.C. § 103(a), it is respectfully submitted that, as noted above, any proper combination of Poltorak, Levy, and Fiedler does not provide all of the features of the Applicants' amended claims for which it has been asserted. Likewise, as Chan does not remedy the deficiencies discussed above, any proper combination of Poltorak, Levy, and Fiedler in view of Chan does not describe all of the Applicants' claimed features. Accordingly, Applicants respectfully traverse the rejection of independent Claims 3 and 7 as being unpatentable over any proper combination of Poltorak, Levy, and Fiedler in view of Chan.

Regarding the rejections of Claims 4 and 8 under 35 U.S.C. § 103(a), it is respectfully submitted that, as noted above, any proper combination of Poltorak and Levy does not

provide all of the features of the Applicants' amended claims for which it has been asserted.

Likewise, as Kim does not remedy the deficiencies discussed above, any proper combination of Poltorak and Levy in view of Kim does not describe all of the Applicants' claimed features. Accordingly, Applicants respectfully traverse the rejection of independent Claims 4 and 8 as being unpatentable over any proper combination of Poltorak and Levy in view of Kim.

Regarding the rejections of Claims 9 and 10 under 35 U.S.C. § 103(a), it is respectfully submitted that, as noted above, any proper combination of Poltorak and Levy does not provide all of the features of the Applicants' amended claims for which it has been asserted. Likewise, as Dujari does not remedy the deficiencies discussed above, any proper combination of Poltorak and Levy in view of Dujari does not describe all of the Applicants' claimed features. Accordingly, Applicants respectfully traverse the rejection of independent Claims 9 and 10 as being unpatentable over any proper combination of Poltorak and Levy in view of Dujari.

Consequently, in view of the present amendment and in light of the above-discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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